

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT WIRTZ, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-1296-D
)	
OKLAHOMA DEPARTMENT OF)	
CORRECTIONS OFFICIALS,)	
)	
Defendants.)	

ORDER

This matter comes before the Court for review of the Report and Recommendation [Doc. No. 7] issued by United States Magistrate Judge Amanda Maxfield Green pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Green finds that Plaintiff has failed to comply with an order to cure certain deficiencies – and has otherwise failed to pursue his proposed civil rights claims in this case¹ – and that the case should be dismissed without prejudice to refiling.

The record reflects no timely objection to the Report nor request for additional time to object. Plaintiff was expressly advised of the right to object and the implied waiver rule. *See* R&R at 4. Therefore, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir.

¹ Plaintiff has previously filed another § 1983 action, *Wirtz v. Davidson*, Case No. CIV-20-1289-D, Compl. (W.D. Okla. Dec. 28, 2020), that remains pending.

1996). Further, for the reasons stated by Judge Green, the Court finds that the case should be dismissed without prejudice.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 11] is ADOPTED. This action is DISMISSED without prejudice to refiling, and a separate judgment shall be entered.

IT IS SO ORDERED this 26th day of February, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge